

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-11 are pending, Claim 10 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1-9 were indicated as being allowed; Claim 10 was rejected as being anticipated by Verboom; and Claims 10 and 11 were being rejected as being anticipated by Okawa et al. (U.S. Patent No. 5,894,463, hereinafter Okawa).

In reply, Applicants appreciatively acknowledge the identification of allowed Claims 1-9.

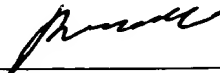
Claim 10 has been amended to further clarify that the evaluation-function recording area of the optical disk records an initial focus value at a point where the evaluation function is minimal or maximal, and another value corresponding to an observation point deviating from the point where the initial value is set. Thus, a controller can correct the initial focus value in accordance with changes in the evaluation function at the observation point.

Support for this feature is found at least in Claim 1, and thus no new matter is added. As Claim 1 has been indicated to contain allowable subject matter, it is respectfully submitted that this feature also patentably defines over the asserted prior art of Verboom and Okawa. As Claim 11 depends from Claim 10 it is believed that Claim 11 also patentably defines over

the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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